



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

John V. Edwards  
Senior General Attorney



221695

(757) 629-2838

February 26, 2008

**VIA DHL EXPRESS**

Honorable Anne K. Quinlan, Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D C 20024

Re STB Docket No. AB-290 (Sub. No. 302X), Norfolk Southern Railway  
Company – Abandonment – in East Whiteland Township,  
Chester County, PA – Notice of Exemption

Dear Ms. Quinlan:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$3,200.00 to cover the filing fee.

Thank you for your cooperation and assistance.

ENTERED  
Office of Proceedings

FEB 27 2008

Part of  
Public Record

Yours very truly,

John V. Edwards

JVE.kch  
Enclosures

**FILED**

FEB 27 2008

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

FEB 27 2008

**TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**DOCKET NO AB-290 (SUB-NO 302X)**

**NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT–**

**IN EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA**

**VERIFIED NOTICE OF EXEMPTION**

**COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. § 10903, pursuant to the provisions of 49 U.S.C § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between mileposts DX 10 65 and DX 11 40 in East Whiteland Township, Chester County, Pennsylvania**

**Pursuant to the Board's regulations codified at 49 CFR § 1152 50, the Railroad states as follows.**

**Traffic Certification - §§ 1152 50(b) and (d)(2)**

**As the attached certificate of General Manager R A Bartle confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U S District Court or has been decided in**

favor of a complainant concerning cessation of service over this line within the two-year period

**Consummation Date - § 1152.50(d)(2)**

The effective date of the abandonment between mileposts DX 10 65 and DX 11 40 in East Whiteland Township, Chester County, Pennsylvania, will be April 17, 2008.

**General Corporate Information - § 1152.22(a)(1-2) and (7)**

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

John V. Edwards  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2838

**Description of the Line and the Relief Sought - § 1152 22(a)(3-4 and 8)**

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 0 75 miles of track between mileposts DX 10 65 and DX 11.40 in East Whiteland Township, Chester County, Pennsylvania. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line

traverses United States Postal Service ZIP Code 19355 The line includes the former station of Cedar Hollow

**Suitability of the Line for Other Public Purposes - § 1152 22(e)(4)**

NSR does not have fee title to the entire right-of-way underlying the line proposed for abandonment, therefore NSR will not have a contiguous corridor available for public use

**Labor Protection - § 1152 50(d)(2)**

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co - Abandonment - Goshen, 360 P.C.C. 91 (1979).

**Environmental and Historic Reports; Certifications - § 1105 7 and § 1105 8**

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations NSR certifies that the notice and transmittal requirements of § 1105 7, § 1105 8 and § 1105 11 have been met

**Service and Newspaper Notice Requirements Certification - § 1152 50(d)(1-2)**

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152 50(d)(1)(certain government agencies) and § 1105 12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U S C §§ 10903 pursuant to 49 C F R § 1152.50 and requests that the Board serve the appropriate notice of exemption

Respectfully submitted,



Daniel M. Mazur  
Vice President  
Norfolk Southern Railway Company

Of Counsel

John V. Edwards  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2838

Attorney for Norfolk Southern Railway Company

Dated February 26, 2008

VERIFICATION

COMMONWEALTH OF VIRGINIA

SS

CITY OF NORFOLK

Daniel M Mazur, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company, that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 302X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption, that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief

  
Daniel M. Mazur

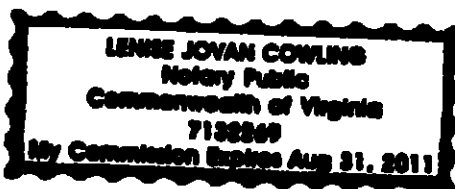
Subscribed and sworn to before me  
this 19<sup>th</sup> day of February, 2008

  
Notary Public

My commission expires

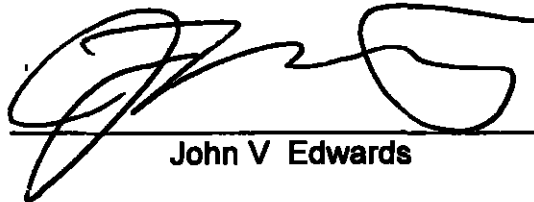
August 31, 2011

[SEAL]



**CERTIFICATION**

I hereby certify (1), pursuant to § 1105 11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105 7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2), (2), pursuant to § 1105 12, that a notice of intent to abandon rail service was published in *The Daily Local News*, West Chester, Pennsylvania, on February 1, 2008 (see Exhibit 3), and (3) that the notice required by § 1152 50(d)(1) was given (see Exhibit 4)

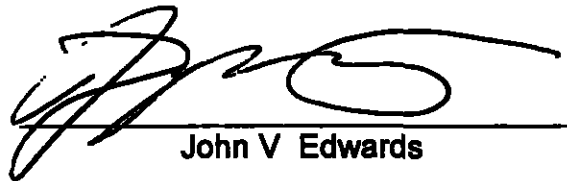


John V Edwards

Dated February 26, 2008

## **CERTIFICATE OF SERVICE**

**I hereby certify that a copy of the foregoing Notice of Exemption was served upon Wendell F. Holland, Chairman, Pennsylvania Public Utility Commission, Pennsylvania Department of Transportation, Bureau of Rail Freight, Port & Waterways, U. S. Department of Agriculture, Chief of the Forest Service, Regional Director, National Park Service, Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service, and the United States Department of Defense (MTMCTEA), on February 26, 2008, by first class mail, postage prepaid**



---

**John V. Edwards**



**CERTIFICATION**

STATE OF PENNSYLVANIA .

ss

CITY OF HARRISBURG :

R A Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company, that the line between milepost DX 10 65 and milepost DX 11 40 in East Whiteland Township, Chester County, Pennsylvania, which is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years; that all overhead traffic, if any, has been rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U S District Court or has been decided in favor of the complainant within the two-year period.

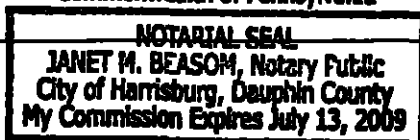
  
\_\_\_\_\_  
R. A. Bartle

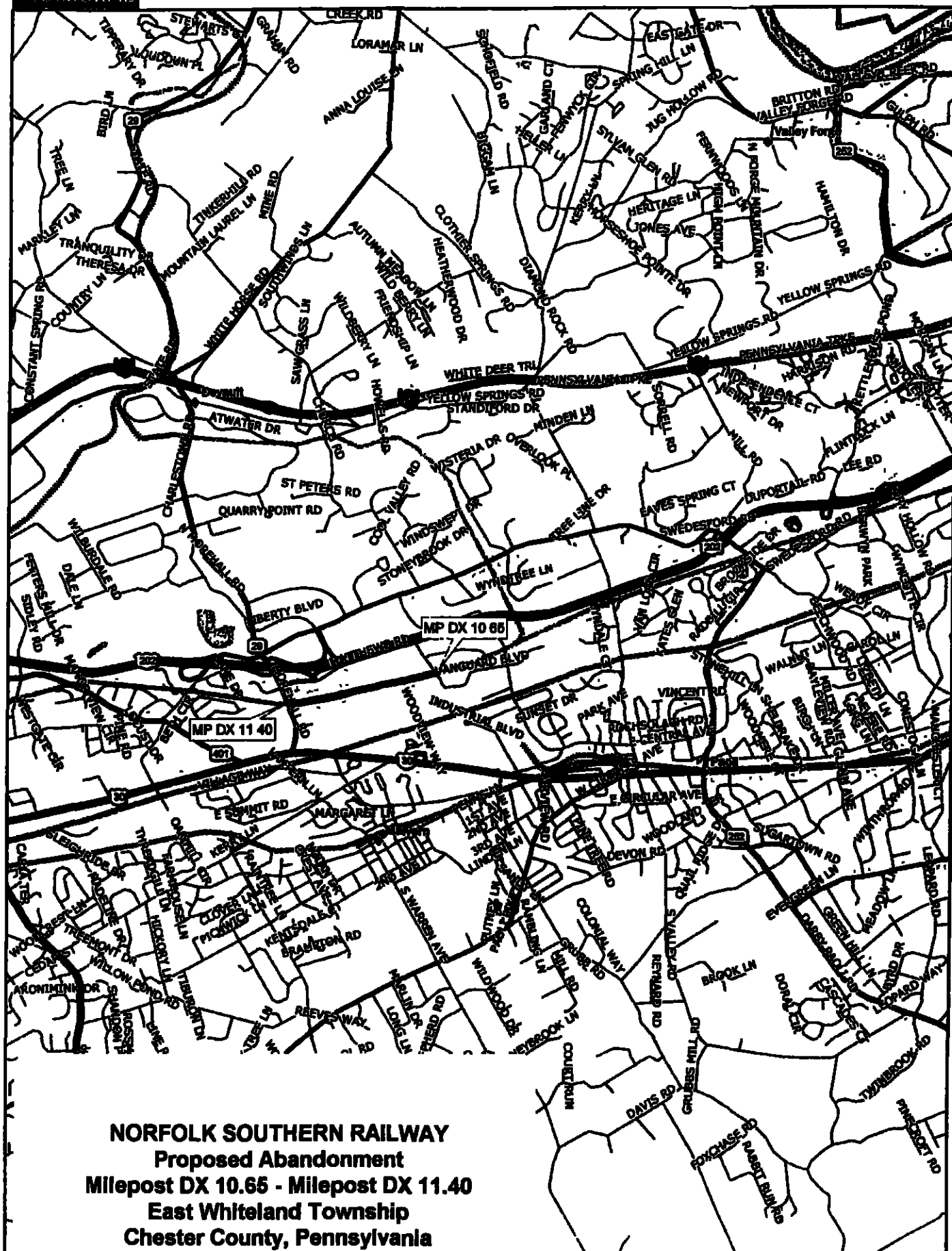
Subscribed and sworn to before me  
this 15<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
Notary Public

My commission expires:

Commonwealth of Pennsylvania





## **EXHIBIT 2**

### **ENVIRONMENTAL AND HISTORIC REPORTS**

**NORFOLK SOUTHERN RAILWAY COMPANY  
STB DOCKET NO. AB-290 (Sub-No. 302X)  
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP DX 10.65 and MP DX 11.40  
IN EAST WHITELAND TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA**

**ENVIRONMENTAL REPORT**

**December 10, 2007  
Revised February 5, 2008**

.....

**NORFOLK SOUTHERN RAILWAY COMPANY  
THREE COMMERCIAL PLACE  
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY  
STB DOCKET NO. AB-290 (Sub-No. 302X)**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**49 CFR 1105.7(e)(1) Proposed Action and Alternatives.**

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

**RESPONSE:** Norfolk Southern Railway Company (NSR) proposes to abandon 0.75 miles of rail line between railroad milepost DX 10.65 and railroad milepost DX 11.40 in East Whiteland Township, Chester County, Pennsylvania. The line proposed for abandonment has been dormant for many years.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment and discontinuance of service is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

**49 CFR 1105.7(e)(2) Transportation system.**

*Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

**RESPONSE:** Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

**49 CFR 1105.7(e)(3) Land use.**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

**RESPONSE:** The proposed abandonment involves 0.75 miles of rail line located in East Whiteland Township, in Chester County, Pennsylvania. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Chester County Commissioners and from the East Whiteland Township Supervisors. They were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

*(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

**RESPONSE.** Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service.

In their response, a copy of which is attached in **Appendix C**, the USDA NRCS states that no federally-designated farmlands exist in the proposed project area and recommends consultation with the Pennsylvania Department of Agriculture. A copy of this report was served on that agency.

In a letter dated December 27, 2007, a copy of which is attached in **Appendix C**, the Pennsylvania Department of Agriculture states that "current documents available do not include the location in an Agricultural Security Area."

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec 1105 9*

**RESPONSE:** Consultation was requested from the Pennsylvania Department of Environmental Protection, Coastal Resources Management Program

In their response, a copy of which is attached in **Appendix C**, the Pennsylvania Department of Environmental Protection, Coastal Resources Management Program, states that the rail abandonment is located outside of Pennsylvania's Delaware Estuary Coastal Zone and will not impact upon it and is consistent with Pennsylvania's CRM Program.

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C 10906 and explain why.*

**RESPONSE:** NSR does not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use

**49 CFR 1105.7(e)(4) Energy.**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

**RESPONSE:** Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

*(ii) Describe the effect of the proposed action on recyclable commodities*

**RESPONSE:** Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

**RESPONSE** The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in many years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:*

*(A) 1,000 rail carloads a year; or*

*(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given*

**RESPONSE** No traffic will be diverted from rail to motor carriage as a result of the proposed action



**49 CFR 1105.7(e)(5) Air.**

*(i) If the proposed action will result in either.*

*(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*

*(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions*

**RESPONSE:** The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

*(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

*(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

**RESPONSE:** The above thresholds will not be exceeded. Chester County, Pennsylvania, is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for 1-Hr Ozone, 8-Hr Ozone and particulate matter, according to the U.S. Environmental Protection Agency

*(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

**RESPONSE** Not applicable

**49 CFR 1105.7(e)(6) Noise.**

*If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

**RESPONSE:** The above thresholds will not be exceeded.

**49 CFR 1105.7(e)(7) Safety.**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

**RESPONSE:** Abandonment of the captioned rail line will have no significant effect upon public health or safety. There is one private at-grade crossing on the segment to be abandoned

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

**RESPONSE:** Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

**RESPONSE:** NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

**49 CFR 1105.7(e)(8) Biological Resources.**

*(i) Based on consultation with the U.S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

**RESPONSE:** NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, the United States Department of the Interior, Fish and Wildlife Service, states that except for occasional transient species, no federally listed or proposed threatened or endangered species under their jurisdiction are known to occur within the project impact area. A copy of this response is attached in **Appendix C**.

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

**RESPONSE.** Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State-Parks or Forests are anticipated.

**49 CFR 1105.7(e)(9) Water.**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

**RESPONSE:** Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The rail line proposed for abandonment crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Pennsylvania Environmental Protection Agency and the United States Environmental Protection Agency, Region 3.

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

**RESPONSE.** The rail line proposed for abandonment crosses no waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers

In their responses, copies of which are attached in **Appendix C**, the USACOE advises that the abandonment does not appear to adversely affect any 100-year flood

plains, no Section 404 permit is required and the approval of their office is not required since it does not involve regulated activities in Federally regulated waters or wetlands.

*(iii) State whether permits under section 402 of the Clean Water Act (33-U.S.C. 1342) are required for the proposed action.*

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Pennsylvania Environmental Protection Agency and the United States Environmental Protection Agency, Region 3.

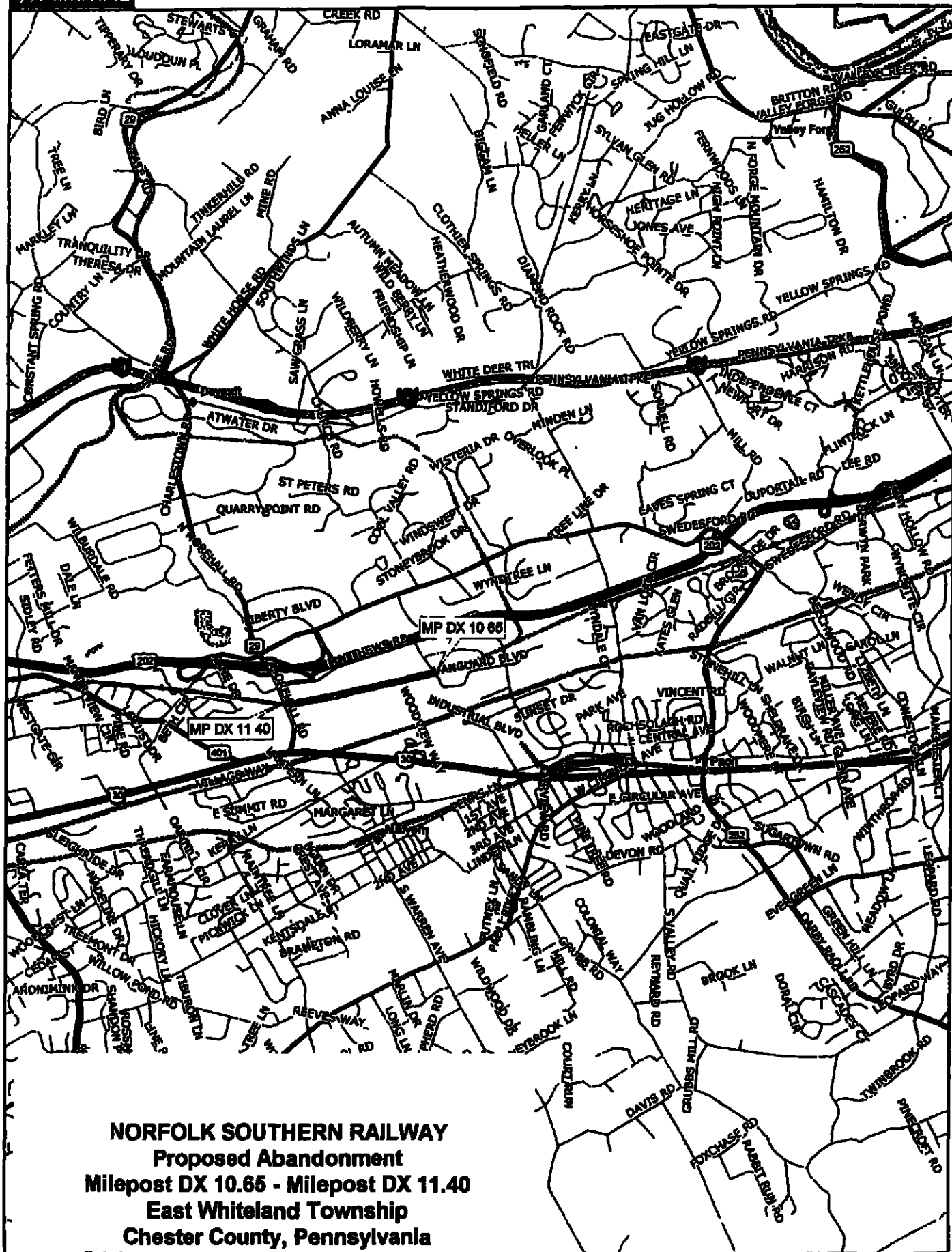
**49 CFR 1105.7(e)(10) Proposed Mitigation.**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

# **APPENDIX A**

## **Site Map**



## **APPENDIX B**

### **Agency Letters**



## **RECIPIENT LIST**

**Proposed Rail Line Abandonment of the segment of rail line between MP DX 10.65 and MP DX 11.40, a distance of 0.75 miles, located in East Whiteland Township, Chester County, Pennsylvania.**

**Pennsylvania Dept. of Transportation  
Bureau of Rail Freight, Ports & Waterways  
P O Box 2777  
Harrisburg, PA 17105**

**-US Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103**

**John A. Mott, Chairman  
EWT Board of Supervisors  
EWT Municipal Building  
209 Conestoga Road  
Frazer, PA 19355**

**Pennsylvania Dept of Environmental  
Protection  
400 Market Street  
P. O. Box 2063  
Harrisburg, PA 17105**

**Carol Aichele, Chairman  
Chester County Board of Commissioners  
2 N. High Street, Box 2748  
West Chester, PA 19380**

**Pennsylvania Dept. of Environmental  
Protection  
Water Planning Office (Coastal Zone)  
P. O. Box 2063  
400 Market Street, 15<sup>th</sup> Floor  
Harrisburg, PA 17105**

**United States Army Corps of Engineers  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107**

**National Park Service  
Northeast Region  
U. S. Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106**

**US Fish and Wildlife Service  
Region 5  
300 West Gate Center Drive  
Hadley, MA 01035**

**Pennsylvania Dept. of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110**

**USDA-NRCS  
1 Credit Union Place, Suite 340  
Wildwood Center  
Harrisburg, PA 17110**

**National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910**



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

December 10, 2007

RE Docket No AB-290 (Sub-No 302X), Norfolk Southern Railway Company  
Abandonment - in Chester County, Pennsylvania

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DX 10.65 and Milepost DX 11.40 in East Whiteland Township, a distance of 0.75 miles, located in Chester County, Pennsylvania.

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts, however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,  
395 E Street, S.W.  
Washington DC 20423-0001

**Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.**

**Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at [kathy.headrick@nscorp.com](mailto:kathy.headrick@nscorp.com), or by mail to**

**Kathy Headrick  
Coordinator-Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

**Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company**

## **APPENDIX C**

### **Agency Responses**

United States Department of Agriculture



Natural Resources Conservation Service  
One Credit Union Place, Suite 340  
Harrisburg, PA 1700-2893

October 23, 2007

Kathy Headrick  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

Re. East Whiteland Township Rail Line Abandonment  
Chester County, PA

As requested in a letter dated October 11, 2007, we have reviewed the project location for possible areas of concern to the USDA Natural Resources Conservation Service.

The soils have been extensively altered historically at this site, and no federally-designated farmlands exist in the proposed project area.

Agricultural Security Areas and Pennsylvania Prime Agricultural Land are designations under Pennsylvania state law and regulations. USDA NRCS does not have jurisdiction in this area. You should contain appropriate state agencies, most likely the Pennsylvania Department of Agriculture

As for any project involving earthmoving, both temporary and permanent erosion and sedimentation control practices should be planned, implemented and maintained. We recommend consultation with appropriate county conservation districts for review of erosion and sedimentation control plans and practices.

Digital soils information for Chester County and some other Pennsylvania counties is also available on-line at <http://soils.usda.gov/survey/>

Contact me at (717) 237-2218, FAX (717) 237-2238, email: [timothy.emenheiser@pa.usda.gov](mailto:timothy.emenheiser@pa.usda.gov) if you need more information.

A handwritten signature in black ink, appearing to read "Tim Emenheiser", is written over a horizontal line.

Tim Emenheiser  
Resource Conservationist

cc. Sam High, Supervisory District Conservationist, West Chester, PA



Pennsylvania Department of  
**AGRICULTURE**

December 27, 2007

Kathy Headrick  
Coordinator-Abandonment  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510

**RE: East Whiteland Township Rail Line Abandonment  
Chester County, PA**

We have researched the area associated with the above captioned Rail Line Abandonment. Current documents available do not include the location in an Agricultural Security Area.

If you have further questions or need additional information, please contact me at:

Thomas O. Oyler, Jr.  
Pennsylvania Department of Agriculture  
Bureau of Farmland Preservation  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Telephone: 717-783-3167  
E-mail: [toylerjr@state.pa.us](mailto:toylerjr@state.pa.us)

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas O Oyler Jr", with a horizontal line underneath.

Thomas O Oyler, Jr.



Pennsylvania Department of Environmental Protection

---

Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
October 30, 2007

Water Planning Office

717-772-5622

Kathy Headrick, Coordinator-Abandonments  
Strategic Planning – 12th Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

Re: DEP File No. CZ7-FPL

Dear Ms. Headrick:

On October 15, 2007, the Pennsylvania Coastal Resources Management (CRM) Program received your request for information on the following proposed railroad abandonment:

**Docket No. AB-290 (Sub-No. 302X), Norfolk Southern Railway Company-  
Abandonment – East Whiteland Township, Chester County, Pennsylvania.**

The abandonment of rail lines is subject to our federal consistency review under 15 CFR Part 930 Subpart D - Consistency for Federally Licensed and Permit Activities. We have determined that the above rail abandonment is located outside of Pennsylvania's Delaware Estuary Coastal Zone, and will not impact upon it. Therefore, this rail abandonment is consistent with Pennsylvania's CRM Program.

In conclusion, please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Sincerely,

Lawrence J. Toth  
Environmental Planner  
Coastal Resources Management Program



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pennsylvania Field Office  
315 South Allen Street, Suite 322  
State College, Pennsylvania 16801-4850

November 7, 2007

Marcellus C. Kirchner  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510-2191

RE: USFWS Project #2008-0169

Dear Mr Kirchner:

This responds to your letter of October 11, 2007, requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed Norfolk Southern Railway rail line abandonment project located in Chester County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, based on currently available information, no biological assessment or further consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Please note that a field survey may reveal previously undocumented populations of one or more species of concern within a project area. Refer to the enclosed list of *Federally Listed, Proposed, and Candidate Species in Pennsylvania* to determine which species may be found in your project area if suitable habitat is present. If surveys or further information reveals that a federally listed, proposed, or candidate species exists in your project area, contact the Fish and Wildlife Service immediately to discuss measures to avoid or minimize potential impacts to the species prior to initiating your project.

This determination is valid for one year from the date of this letter. If the proposed project has not been fully implemented prior to this, please access the PNDI Project Planning Environmental Review tool on the Pennsylvania Natural Heritage Program's website ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)) to screen this project for potential impacts to species of special concern, including federally listed and proposed species. If this project is considered a "large project" as defined on the subject website, submit the project directly to our office for review, rather than using the online screening tool.



This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

*To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project*

Please contact Kathy Gipe of my staff at 814-234-4090 if you have any questions or require further assistance

Sincerely,

A handwritten signature in black ink, appearing to read 'David Densmore', followed by a long horizontal line extending to the right.

David Densmore  
Supervisor

Enclosure

**Federally Listed, Proposed, and Candidate Species in Pennsylvania**  
(revised August 15, 2007)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status<sup>1</sup></u>	<u>Distribution (Counties and/or Watersheds)</u>
<b>MAMMALS</b>			
Indiana bat	<i>Myotis sodalis</i>	E	Hibernacula Armstrong, Beaver, Blair, Centre, Fayette, Huntingdon, Lawrence, Luzerne, Mifflin and Somerset Co. Maternity sites Bedford, Berks and Blair Counties Potential winter habitat state-wide in caves or abandoned mines Potential summer habitat state-wide in forests or wooded areas
<b>BIRDS</b>			
Piping plover	<i>Charadrius melodus</i>	E	Designated critical habitat on Presque Isle (Erie Co.) Migratory No nesting in PA since 1950s, but recent colonization attempts at Presque Isle
<b>REPTILES</b>			
Bog turtle	<i>Clemmys (Glyptemys) mühlenbergii</i>	T	Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York Co  <i>Historically found in Crawford, Mercer and Philadelphia Co.</i>
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Butler, Crawford, Mercer and Venango Co.  <i>Historically found in Allegheny and Lawrence Co.</i>
<b>MUSSELS</b>			
Clubshell	<i>Pleurobema clava</i>	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co.; Shenango River (Mercer and Crawford Co)  <i>Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Indiana, Lawrence, and Westmoreland Co.</i>
Dwarf wedgemussel	<i>Alasmodonta heterodon</i>	E	Delaware River (Pike and Wayne Co.)  <i>Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia Co.) or Susquehanna River watershed (Lancaster Co.)</i>
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co  <i>Has not been found recently in streams of historical occurrence, including Shenango River (Lawrence Co.), Conewango Creek (Warren Co.)</i>

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Status<sup>1</sup></u></b>	<b><u>Distribution (Counties and/or Watersheds)</u></b>
<b>MUSSELS</b> (continued)			
Rayed bean	<i>Villosa fabalis</i>	C	French Creek and Allegheny River (Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, Warren Co ), Cussewago Creek (Crawford Co ).  <i>Has not been found recently in 5 streams of historical occurrence in Armstrong, Lawrence, Mercer and Warren Co</i>
Sheepnose	<i>Plethobasus cyphus</i>	C	Allegheny River (Forest and Venango Co )  <i>Has not been found recently in streams of historical occurrence, including Allegheny River (Armstrong Co ), Beaver River (Lawrence Co.), Ohio River (Allegheny and Beaver Co ), and Monongahela River (Washington Co )</i>
<b>FISH</b>			
Shortnose sturgeon <sup>2</sup>	<i>Acipenser brevirostrum</i>	E	Delaware River and other Atlantic coastal waters
<b>PLANTS</b>			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Adams, Bedford, Blair, Cambria, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder, Tioga, and Union Co  <i>Historically found in Northampton Co.</i>
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Centre, Chester and Venango Co.  <i>Historically found in Berks, Greene, Monroe, Montgomery and Philadelphia Co</i>

<sup>1</sup> E = Endangered, T = Threatened, P = Proposed for listing, C = Candidate

<sup>2</sup> Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service

**Headrick, Kathy, C**

---

**From:** Miller, Jason F NAP [Jason.F.Miller@usace.army.mil]  
**Sent:** Wednesday, October 31, 2007 2:18 PM  
**To:** Headrick, Kathy, C  
**Subject:** Abandonment in East Whiteland Township, Chester County PA

Ms Headrick

I received a letter concerning the above referenced abandonment (Docket No AB-290, Sub No 302X). My office (Floodplain Management Services) and Regulatory (Wetland permitting) reviewed the enclosed materials and offer the following:

Based on my review of the location map provided and FEMA's Flood Insurance Rate Map for the area, it does not appear that the referenced abandonment adversely affects any 100-year flood plains.

Regulatory noted that no Section 404 permit is required based on the information provided.

Please note that these comments are based on the materials provided only. Our offices assumed that areas outside of the railway would not be disturbed by this abandonment.

I hope this satisfies your requirement to consult with the U.S. Army Corps of Engineers. If you need anything else, please let me know.

Regards,  
Jason

Jason F. Miller, P.E.  
Chief, Flood Plain Management Services Branch  
US Army Corps of Engineers, Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA PENNSYLVANIA 19107-3390

**JAN 29 2008**

Regulatory Branch  
Applications Section II

SUBJECT: CENAP-OP-R-2007-1488-39 (NJD)  
Project Name Norfolk Southern Corporation

Marcellus C Kirchner  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Dear Mr Kirchner.

This is in regard to Department of the Army jurisdiction over your proposal to abandon a portion of a rail line, between milepost DX 10 65 and milepost DX 11 40, in East Whiteland Township, Chester County, Pennsylvania .

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including their adjacent wetlands. Discharges of fill material include activities such as. the placement of rock, sand, dirt, or other material for the construction of any structures, impoundment or site development; grading; fill associated with the creation of ponds; and property protection or reclamation devices such as riprap and breakwaters. Any proposal involving the performance of the above activities within the area of Federal jurisdiction, whether the work is permanent or temporary, will require the prior approval of this office

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

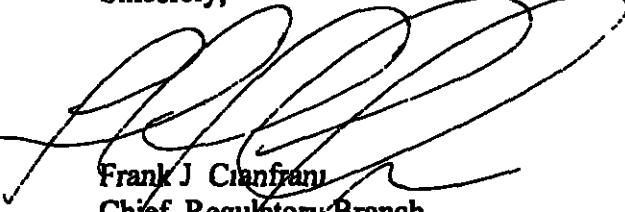
Based on the information you have provided, it has been determined that the proposed project described in your submission, the abandonment of a section of a rail line, will not require the approval of this office since it does not involve regulated activities in Federally regulated waters or wetlands.

This letter does not affect your responsibility to obtain any other Federal, State, or local approvals required by law for the proposed work.

-2-

If you should have any questions regarding this matter, please contact Lawrence Slavitter of this office at 215-656-6734 or write to the above address

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

**Environmental Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R § 1105 8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No AB-290 (Sub-No 302X) was mailed via first class mail on December 10, 2007, to the following parties:

Pennsylvania Dept of Transportation  
Bureau of Rail Freight, Ports &  
Waterways  
P O Box 2777  
Harrisburg, PA 17105

John A Mott, Chairman  
EWT Board of Supervisors  
EWT Municipal Building  
209 Conestoga Road  
Frazer, PA 19355

Carol Aichele, Chairman  
Chester County Board of  
Commissioners  
2 N. High Street, Box 2748  
West Chester, PA 19380

United States Army Corps of Engineers  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107

US Fish and Wildlife Service  
Region 5  
300 West Gate Center Drive  
Hadley, MA 01035

USDA-NRCS  
1 Credit Union Place, Suite 340  
Wildwood Center  
Harrisburg, PA 17110

US Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103

Pennsylvania Dept of Environmental  
Protection  
400 Market Street  
P. O Box 2063  
Harrisburg, PA 17105

Pennsylvania Dept of Environmental  
Protection  
Water Planning Office (Coastal Zone)  
P O Box 2063  
400 Market Street, 15<sup>th</sup> Floor  
Harrisburg, PA 17105

National Park Service  
Northeast Region  
U S Custom House  
200 Chestnut Street, Fifth-Floor  
Philadelphia, PA 19106

Pennsylvania Dept of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110

National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910



Marcellus C Kirchner

December 10, 2007

## **HISTORIC REPORT**

### **PROPOSED RAIL LINE ABANDONMENT**

#### **PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon .75 miles of rail line between milepost DX 10.65 and milepost DX 11 40 in East Whiteland Township, Chester County, Pennsylvania. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

#### **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** – Maps were furnished to the Pennsylvania Historical and Museum Commission.
- (2) **Written Description of Right of Way** – The right of way width varies but is generally 33 feet on each side of the main track centerline. The line passes through urban areas.
- (3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided
- (4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.
- (5) **History of Operations and Changes Contemplated** – In the related notice of exemption to the Surface Transportation Board (STB) for abandonment of a railroad line, Norfolk Southern Railway Company (NSR) gives notice of an exemption under the STB's class exemption for abandonment of out-of-service rail lines for the abandonment of a .75-



**mile line of railroad between Milepost DX 10.65 and Milepost DX 11.40 in East Whiteland Township, in Chester County, Pennsylvania (the "Line"). The Line occasionally was referred to by its previous owner, Consolidated Rail Corporation (Conrail), as the "Old Chester Valley Running Track."**

**The rail line segment to be abandoned was originally constructed by the Chester Valley Railroad Company, which became part of the Philadelphia and Reading Railroad Company system in 1859**

**The Chester Valley Railroad Company was successor to The Norristown and Valley Railroad Company. The Norristown and Valley Railroad Company was incorporated under special act of Pennsylvania on June 18, 1835 to construct a railroad from a point on the Columbia and Philadelphia Railroad east of Brandywine Creek to a connection with the Philadelphia, Germantown and Norristown Railroad Company at or near Norristown, PA. The Norristown and Valley Railroad Company discontinued construction of the proposed railroad line when it encountered financial difficulties.**

**The Chester Valley Railroad Company was chartered on May 22, 1850 (shown in at least one source as April 22, 1850 and in at least one other source as October 26, 1850) to operate a 21.5-mile rail line between Bridgeport, PA and Downingtown, PA. This purpose was accomplished in part through Chester Valley Railroad Company's acquisition of the property and franchises of The Norristown and Valley Railroad Company. Chester Valley Railroad's acquisition of the Norristown and Valley Railroad franchise and assets took place on October 26, 1850, which, as noted, is also shown in at least one reference as the incorporation date of the Chester Valley Railroad Company. The Chester Valley Railroad Company then completed the road begun by its predecessor. The Chester Valley Railroad**

Company opened the railroad line for operation on September 12, 1853.

The Chester Valley Railroad Company was operated from the time of its completion to December 31, 1858 by the Philadelphia, Germantown and Norristown Railroad Company. On January 1, 1859, the Chester Valley Railroad Company line was leased to the Philadelphia and Reading Railroad Company.<sup>1</sup> This lease was part of the expansion of the Philadelphia and Reading Railroad system lines through leases and purchases of other railroad lines in order to gain access to the coal mining regions of Eastern Pennsylvania. The Chester Valley Railroad Company line connected with the Philadelphia and Reading Railroad line at Bridgeport and a Pennsylvania Railroad Company line at Downingtown.

The Philadelphia and Chester Valley Railroad Company was incorporated under the general laws of Pennsylvania on March 22, 1888. On May 4, 1888, it acquired the property of its predecessor, The Chester Valley Railroad Company, which had been sold at foreclosure on January 17, 1888. The Philadelphia and Chester Valley Railroad's line continued to be leased and operated by the Philadelphia and Reading Railroad Company for a rental of forty-five percent of the gross receipts from traffic on the line.

The mortgage on the Philadelphia and Reading Railroad Company property was foreclosed in 1896 after the company had gone through an earlier receivership starting in 1880 and a failed reorganization in 1884. The Philadelphia and Reading Railroad's properties were sold on September 23, 1896 and the company was reorganized on October 17, 1896 as Philadelphia and Reading Railway Company.

The Reading Company owned a majority of the capital stock of The Philadelphia and

---

<sup>1</sup>After December 1, 1870, the Philadelphia, Norristown and Germantown Railroad Company was leased to and operated by the Philadelphia and Reading Railroad Company, then by the Philadelphia and Reading Railway Company, and finally by the Reading Company.

**Chester Valley Railroad Company on the date of the ICC's valuation of the Reading Company and its leased lines, June 30, 1917.**

**On December 31, 1923, pursuant to a court decree, the Reading Company merged twelve of its wholly-owned operating subsidiaries, including the Philadelphia and Reading Railway Company, into one operating company under the Reading Company name. The Reading Company adopted certain leases of railroad lines of the Philadelphia and Reading Railway Company and its other predecessors, including the lease of The Philadelphia and Chester Valley Railroad Company property.**

**Effective December 31, 1945, the Reading Company consummated the merger of 11 of its subsidiaries in Pennsylvania into the Reading Company. The Reading Company organization remained undisturbed, but the owned stock of the merged subsidiary companies was cancelled. The subsidiaries merged into the Reading Company on this date included the Philadelphia and Chester Valley Railroad Company. The merger did not result in any basic changes in the operation of Reading Company system, since the merged subsidiaries already were completely coordinated into that system. The merger, however, had the effect of eliminating the expense of maintaining separate corporate entities for the subsidiaries and of achieving some tax savings.**

**After a period of decline in the 1950s and 1960s, The Reading Company filed a petition for reorganization under Section 77 of the Bankruptcy Act in the United States District Court for the Eastern District of Pennsylvania on November 23, 1971. The line of the former Philadelphia and Chester Valley Railroad Company remained under the control of the Reading Company through the period of the Reading Company bankruptcy, until the formation of Consolidated Rail Corporation on April 1, 1976.**

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Conrail held title to and operated the property which it had acquired under the now defunct United States Railway Association's (USRA) "Final System Plan" for reorganization of the bankrupt northeastern and midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway Company, the Reading Company, Erie Lackawanna Railway Company and a small portion of the Ann Arbor Railroad Company). The Final System Plan had been submitted to Congress on July 26, 1975 and was automatically approved after 60 days without further action by Congress under the Regional Rail Reorganization Act of 1973 (3R Act)

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation's control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and of their subsidiaries and affiliates. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries and affiliates on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co.,

1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N C.: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company—Merger Exemption—Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets, including Conrail's interest in the Line, were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-

owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and were operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an initial term of twenty-five (25) years from the effective date of June 1, 1999. As a result of the Conrail transaction, Norfolk Southern's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad Company lines), creating balanced rail transportation in the East to the benefit of customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The petition was approved by the STB, subject to certain conditions, in a decision served on November 7, 2003. The transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, replaced the operating agreements and allowed NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Several segments of the Chester Valley Running Track have been abandoned over time:

In 1984 Conrail abandoned the portion of the line between mileposts 2.4 and 9.8,

pursuant to authorization in ICC Finance Dockets No. AB-167 (Sub. Nos. 663X and 576X). In 1993, Conrail abandoned another 85 miles between mileposts 9.8 and 10.65 pursuant to authorization in ICC Finance Docket No AB-167 (Sub No 1184X)

Conrail also abandoned two additional segments of the line in 1994, between mileposts 11.4 and 18.92, from Cedar Hollow to Exton, and from Exton to Ackworth. pursuant to authorization in ICC Finance Dockets No. AB-167 (Sub. Nos. 1129X and 1136X)

In 2005, NSR abandoned .80 miles in Downingtown, Pennsylvania from milepost VR 18.92 to milepost VR 19.72, pursuant to authorization in STB Docket No. AB-290 (Sub. No. 256X).

The line segment between milepost VR 19.72 and milepost VR 21.50 remains an active line of railroad.

The change contemplated in the operation of this small segment of the Old Chester Valley Running Track is for NSR to abandon the subject Line of railroad. There has been no rail service and no demand for rail freight service over the Line for several years. The Line can no longer be profitably maintained or held dormant by NSR. As a result of the abandonment action, NSR's common carrier obligation to provide freight service over this Line will be abandoned and the property will become ordinary real estate under state law. This result will enable NSR to redeploy this non-productive asset to provide rail freight service to the shipping public in general more productively.

Several books have been written about the Reading (Railroad) Company, including the following.

Reading Railroad History of a Coal Age Empire: The 19th Century  
J. Holton / Hardcover / Published 1990

**Reading Railroad History of a Coal Age Empire the 20th Century**  
**J Holton / Hardcover / Published 1992**

**Reading Diesels: Second Generation**  
**Dale W. Woodland / Hardcover / Published 1996**

**Reading Diesels: The First Generation**  
**Dale W. Woodland / Hardcover / Published 1991**

**Steam Locomotives of the Reading and P and R Railroads: The Complete History from the Ten Ton Pioneer Engines of 1837 to the Last Giant Two Hundred a**  
**Edward H. Wiswesser**

Commentators have cited the histories written by Mr. Holton as definitive histories of the Reading.

Chester County, Pennsylvania was created by William Penn in 1682 as one of the three original counties of Pennsylvania.

Whiteland Township was founded in 1704. In 1732 Whiteland Township was divided into two townships known as East and West Whiteland townships. The name Whiteland originates from Whiteland Gardens, Flintshire, Wales.

**(6) Summary of Documents In Carriers' Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – Not applicable.**

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places –** There are no structures on the line to be abandoned. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**  
Carrier is not aware of any prior-subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

**(9) Follow-Up Information --** Additional information will be provided as appropriate.







Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

December 10, 2007

Pennsylvania Historical and Museum Commission  
Bureau for Historic Preservation  
300 North Street  
Harrisburg, PA 17120

RE. STB Docket No. AB-290 (Sub-No. 302X), Norfolk Southern Railway  
Company - Abandonment - in East Whiteland Township, Chester County, PA

Dear Sir or Madam

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 75 miles of rail line between railroad mileposts DX 10.65 and DX 11.40 in East Whiteland Township, Chester County, Pennsylvania. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at [marc.kirchner@nscorp.com](mailto:marc.kirchner@nscorp.com).

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MKirchner'.

Marcellus C. Kirchner

Enclosures  
cc. James R. Paschall, Esq

**Historic Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R. § 1105 8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No 302X) was mailed via first class mail on December 10, 2007 to

Pennsylvania Historical and Museum Commission  
Bureau for Historic Preservation  
300 North Street  
Harrisburg, PA 17120

  
\_\_\_\_\_  
Marcellus C. Kirchner

December 10, 2007



Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
Bureau for Historic Preservation  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093  
*www.phmc.state.pa.us*

January 2, 2008

Marcellus C Kirchner  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510-2191

TO EXPEDITE REVIEW USE  
BHP REFERENCE NUMBER

Re STB Docket No AB-290(Sub-No. 302X), Norfolk Southern Railway  
Company- Abandonment – East Whiteland Township, DX 10.65 to  
DX 11 40, Chester County, Pennsylvania

Dear Mr Kirchner

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

In our opinion this project will have an effect on properties listed in or eligible for the National Register of Historic Places (listed below). Furthermore, it is our opinion that this project will adversely effect the historic and architectural qualities that make the property eligible. Due to the STB's inability to protect abandoned National Register eligible railroad lines we intend to view this action as an adverse effect unless this abandoned railroad line is converted to trail usage. To comply with the regulations of the Advisory Council on Historic Preservation, you must follow the procedures outlined in 36 CFR 800.5(e), when the effect is adverse. You will need to notify the Advisory Council of the effect finding and continue to consult with the Bureau for Historic Preservation to seek ways to avoid or reduce the effects on historic properties.

Chester Valley Running Track, Chester County, Pennsylvania

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

Douglas C McLearn, Chief  
Division of Archaeology &  
Protection

cc STB  
DCM/smz



Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
**Bureau for Historic Preservation**  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093  
*www.phmc.state.pa.us*

January 31, 2008

Marcellus C. Kirchner  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

TO EXPEDITE REVIEW USE  
BHP REFERENCE NUMBER

Re: ER File No. 2008-0525-029-B  
STB Docket No. AB-290(Sub-No. 302X),  
Norfolk Southern Railway Company—  
Abandonment—East Whiteland Twp., DX  
10 65 to DX 11.40, Chester County,  
Pennsylvania

Dear Mr. Kirchner:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

Mr. Guy Wolfington of O'Neill Properties has contacted our office with additional information and clarification regarding the above-referenced project. Based on this information, it is our opinion that this project will have no adverse effect on the historic property in question, the Chester Valley Running Track, Chester County, Pennsylvania. This opinion supercedes that which was stated in our January 2, 2008 letter to you.

Thank you for the clarification and additional information. Please contact Susan Zacher at (717) 783-9920 if you have any questions or comments.

Sincerely,

Douglas C. McLearen, Chief  
Division of Archaeology &  
Protection

cc: STB

# Proof of Publication of Notice in the Daily Local News

Under Newspaper Advertising Act No. 587, Approved May 16, 1929

Exhibit 3

State of Pennsylvania  
County of Chester

{ ss

{ No

Term, 2008

Patricia Sigda, Legal Representative of the Daily Local News Company, a corporation, of the County and State aforesaid, being duly affirmed, deposes and says that the Daily Local News, a newspaper of general circulation, published at 250 N Bradford, Ave, West Chester, PA, County and State aforesaid, was established November 19, 1872, and Incorporated December 11, 1911, since which date the Daily Local News has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Daily Local News on the following dates viz

February 1 A.D. 2008

Affiant further deposes that he/she is the proper person duly authorized by the Daily Local News Company, a corporation, publishers of said Daily Local News, a newspaper of general circulation, to verify the foregoing statement under oath, and that affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true

## NOTICE OF INTENT TO ABANDON RAIL SERVICE

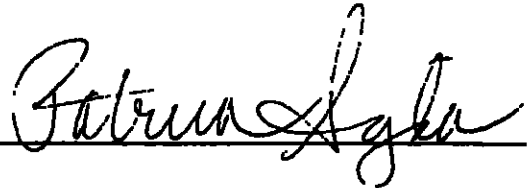
Norfolk Southern Railway Company (NSR) gives notice that on or about February 27, 2008, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10503, permitting NSR's abandonment of a 0.75-mile line of railroad between

milepost DX 11 40 in East White-land, Township, which traverses through United States Postal Service ZIP Code 19385, in Chester County, Pennsylvania. The line includes the former station of Cedar Hollow. The proceeding will be docketed as No. AB-290 (Sub No. 302X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in the STB's decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

ATION

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a), and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative. James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-4241, (757) 629-2739.



affirmed to and subscribed before me this 1

day of February 2008

  
Notary Public

My Commission Expires:

Notarial Seal  
Beverly A. Wolfe, Notary Public  
East Bradford Twp., Chester County  
My Commission Expires June 4th, 2009

Kathy Headrick Association of Notaries

Strategic Planning Dept. 12<sup>th</sup> Floor

Norfolk Southern Corporation

Three commercial Place

Norfolk, VA 23510

To DAILY LOCAL NEWS COMPANY, Dr

For publishing the notice or publication attached

hereto on the above stated dates \$

Probating same \$

Total \$

## Publisher's Receipt for Advertising Costs

The Daily Local News Company, a corporation, publishers of the Daily Local News, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same has been duly paid.

DAILY LOCAL NEWS, a Corporation, Publishers of the DAILY LOCAL NEWS, a newspaper of General Circulation



**Exhibit 4**

Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**John V. Edwards**  
**Senior General Attorney**

(757) 629-2838

February 12, 2008

Pennsylvania Dept. of Transportation  
Bureau of Rail Freight, Ports & Waterways  
P. O. Box 2777  
Harrisburg, PA 17105

Regional Director  
National Park Service-Northeast Region  
U. S. Custom House  
200 Chestnut Street, Fifth Floor  
Philadelphia, PA 19106

Wendall F. Holland, Chairman  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105

Ms. Jan Matthews, Associate Director  
U.S. Dept. of the Interior-National Park Service  
Cultural Resources, Room 3128  
1849 C Street, N.W.  
Washington, DC 20240

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Ave., SW  
Washington, DC 20250-0003

United States Department of Defense  
Military Traffic Management Command (MTMCTEA)  
Transportation Engineering Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd , Suite 130  
Newport News, VA 23606-2574

**Re: STB Docket No AB-290 (Sub-No. 302X), Norfolk Southern Railway Company –  
Abandonment, in Chester County, Pennsylvania**

**Ladies and Gentlemen.**

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about February 27, 2008, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 75-mile line of railroad lying between milepost DX 10.65 and milepost DX 11 40 in East Whiteland Township, Chester County, Pennsylvania (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,



John V Edwards

JRP:kch  
Enclosure